



Dated: October 07, 2019
The following is ORDERED:

Jennie D. Latta

Jennie D. Latta
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

IN RE:)	
)	Case No. 19-22323
KECIE RENEE GILKEY,)	Chapter 13
)	
)	
Debtor.)	

**CONSENT ORDER ON MOTION FOR RELIEF FROM AUTOMATIC STAY
FILED BY US BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE OF
CHALET SERIES III TRUST**

The agreement hereunder states the agreed position of Debtor, Kecia Renee Gilkey and Secured Creditor, U.S. Bank Trust National Association, as Trustee of the Chalet Series III Trust ("Chalet") being serviced by BSI Financial Services as it pertains to the real property with an address of 4111 Fizer Avenue, Memphis, Tennessee 38111 ("Property") and more particularly described in the Deed of Trust referred to below.

WHEREFORE, IT IS HEREBY STIPULATED AND AGREED TO BETWEEN
THE PARTIES HERETO AS FOLLOWS:

1. As to Chalet, its successors, transferees and assigns, the stay of 11 U.S.C. § 362(a) is conditioned as set forth below. Any post-petition acts taken by Chalet to enforce its remedies regarding the Property do not constitute a violation of the stay. Chalet may enforce its remedies to repossess or otherwise obtain possession and dispose of the Property in accordance with applicable nonbankruptcy law.

2. The Property is subject to the first lien through the Deed of Trust recorded in the Shelby County Public Registry. Chalet is entitled to enforce the Note.

3. The parties hereto agree that Ms. Gilkey will continue to make the ongoing regular monthly payments as provided for in the confirmed Chapter 13 Plan, beginning with the November 1, 2019 ongoing monthly payment.

4. The parties further agree Ms. Gilkey will pay through the confirmed plan the defaulted Postpetition ongoing monthly payments due under the Deed of Trust for July 1, 2019 through October 1, 2019, in the amount of \$931.51 per month totaling \$3,726.04.

5. The parties agree that should Ms. Gilkey fail to make any future cure payment or ongoing regular monthly payment, counsel for Chalet may file a single document styled "*Notice of Default*" and serve Ms. Gilkey, her counsel, and the Chapter 13 Trustee with the Notice of Default. Thereupon Ms. Gilkey shall have fifteen (15) days upon which to cure the default. If she fails to cure such default within fifteen (15) days of the notice being filed, Chalet shall submit an Order of Failure to Cure Default, directing that the Chapter-13 Trustee shall cease remitting payments to Chalet.

6. Following the entry of the Order of Failure to Cure Default, Chalet may proceed with its state-law remedies, including foreclosure. There may be no more than two such defaults in the one-year default cure period.

7. This order resolves the Motion and is binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of the Bankruptcy Code. This order is binding in any other bankruptcy case purporting to affect the Property filed not later than 180 days after the date of entry of such order, except that Ms. Gilkey in a subsequent case may move for relief from the order based upon changed circumstances or for good cause shown, after notice and hearing.

8. Chalet shall be permitted to file a Notice of Post-Petition Fees and Expenses for the *In Rem* Motion for Relief From Stay and for the filing fee for that motion. That amount shall be paid through the Trustee's office.

IT IS SO ORDERED.

APPROVED:

Trustee:

/s/ Sylvia F. Brown
Sylvia F. Brown
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/s/Edward D. Russell
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September 2019, a true and correct copy of the Consent Order Granting Motion for Relief from Automatic Stay and to Compel Abandonment was served by regular mail upon Kecie Renee Gilkey, 4111 Fizer Avenue, Memphis, TN 38111. I also caused a copy of the Motion to be filed in this proceeding by electronic means and to be served as follows: counsel for the Debtor, Michael Don Harrell, 1884 Southern Avenue, Memphis, TN 38114; Sylvia F. Brown, 200 Jefferson Ave., Suite #1113, Memphis, TN 38103; United States Trustee, One Memphis Place, 200 Jefferson Ave., Suite 400, Memphis, TN 38103, and electronically to those identified on the CM/ECF system for this case.

By: /s/Edward D. Russell

Edward D. Russell